



PATENT
Attorney Docket No. 7378/71304

#31

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

KINOSHITA et al.

Application No.: 09/395,805

Art Unit: 1774

Filed: September 14, 1999

Examiner: B. Shewareged

For: HEAT-SENSITIVE STENCIL
SHEET

June 24, 2003

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop **Non-Fee Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicants respectfully respond to the June 4, 2003 Requirement for Restriction. Although claims 1 and 4-14 are pending and, in Applicants' belief, are consistent with the record, the Office requests election between Group I, claims 1 and 4-11 versus Group II, claim 12. Applicants question the logic of such restriction. Claim 12 defines a method and refers to a stencil sheet as in Group I claims, yet the Office seems to be indifferent to the actual claim language as suggested by its statement "[t]he process for using the product as claimed can be practiced with another materially different product." Applicants respectfully find no logical thread in the assorted grounds for restriction.

Applicants respectfully submit that MPEP 803 provides constructive guidance, "[t]he Examiner must examine 'the entire application on the merits, even though it includes claims to independent or distinct inventions' where, as here, 'the search and examination of an entire application can be made without serious burden.'"

Applicants point out that their priority document was granted as a patent on March 14, 2003. As presently understood, the art of record therein is of record before the present Examiner.

Accordingly, Applicants request rejoinder. Applicants await favorable action, i.e., allowance, as to claims 1 and 4-11, whereupon the non-elected claim may be rejoined or canceled.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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